



Preserving America's Heritage

**ACHP COMMITTEE MEETINGS
SUMMARY OF EVENTS
National Building Museum
Washington, D.C.
August 1-2, 2018**

COMMUNICATIONS, EDUCATION, AND OUTREACH COMMITTEE

Attendees: Committee Chairman Robert Stanton, Chairman Wayne Donaldson, Jordan Tannenbaum, Dorothy Lippert, Reno Franklin, Shasta Gaughen, ACHP members; Joy Beasley, National Park Service; Stephanie Paul, National Alliance of Preservation Commissions; Erik Hein, National Conference of State Historic Preservation Officers; Katherine Slick, ACHP Foundation; Jack Bareilles, California educator; Monica Rhodes, National Trust for Historic Preservation/HOPE Crew; Elyse Jones, Arthur McMahan, White House Initiative on Historically Black Colleges and Universities; Dale Glenwood Green, Taylor Proctor, Akiel Allen, Monique Robinson, Jamil Nelson, Tiffany Dockins, Nathaniel Mitchell, Wendy McGee-Preti, Morgan State University; John Fowler, Susan Glimcher, Valerie Hauser, Reid Nelson, Patricia Knoll, Lynne Richmond, Shayla Shrieves, Kristen Bastis, Chris Wilson, Ira Matt, Judy Rodenstein, Guy Lopez, Emily Choi, Christine Miterko, Matthew Neel, Julia Wareham, ACHP staff

Touching History: Morgan State University Pilot Project

Committee Chairman Robert Stanton opened the committee meeting with introductions and recounted the previous day's tour he led for the Morgan State University (MSU) students around historic sites in Washington, D.C. He said he was re-energized by being in the midst of these bright minds. Susan Glimcher summarized the project and reminded members it was a joint effort with the ACHP, National Park Service (NPS), HOPE Crew, and MSU to engage young people in historic preservation and introduce them to new avenues to pursue in their careers. MSU Professor Dale Glenwood Green said he and the students were honored to participate in this program and noted that the hands-on preservation work the students experienced was something that could not have been replicated in the classroom. It produced skills they will never forget. He said the students are now leaders in a grossly underrepresented population in the architecture career path. Committee Chairman Stanton invited the students to share their thoughts on the experience.

Nathaniel Mitchell said it is important to be able to tell everyone's story; that there are always two sides, and some stories are not getting told. Jamil Nelson said it is his job to tell these stories now; that it went from a personal interest in historic preservation to now a personal obligation after his participation in the project. "It opened up our eyes to historic preservation," he said. Taylor Proctor said she has a role to play in historic preservation as an architect now; "without the old, there is nothing new," she said. "It adds a layer to what it is to be an architect."

Akiel Allen started with no knowledge of historic preservation and now says it is up to the next generation—his generation—to learn the trades. "New construction doesn't last forever," he noted.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Monique Robinson said going through the program helped her figure out her purpose in life. She was able to think strategically about the intersections among her passions and historic preservation; “this experience is priceless,” she said. Tiffany Dockins said it is important to transfer the knowledge to the younger generation or it would get lost.

Committee members asked about translating the students’ skills into their own community. Students responded by mentioning a building on campus designed by a famous African American architect that has been slated for demolition. The students said it would be their calling to raise awareness about the importance of that building and its whole history. Their new-found advocacy role was heightened by their experience in the Touching History project. Their advice now would be to reach out to other HBCUs and other programs (such as engineering) and even high schools to start students thinking about these preservation careers.

Elyse Jones, who joined the meeting along with Arthur McMahan from the White House Initiative on HBCUs, thanked the students for being involved and asked about their interest in architecture. Several students had come to the program with an established interest in design and art. John Fowler asked what the ACHP could do to further their professional development, and they responded that mentoring would be important. Dr. McMahan said he could see all the benefits of this program and that this is a good model for other HBCUs that need to shore up their facilities and historic buildings and to teach others. He said this is what they are looking for at the White House Initiative and hopes to see this expanded to other HBCUs.

Joy Beasley said she was impressed with the degree to which the students embraced the experience and hopes they have a place in their hearts for the NPS. Monica Rhodes mentioned the HOPE Crew is looking forward to more partner programs like this in the coming years.

Engaging Youth

Committee Chairman Stanton welcomed the four summer ACHP interns to the meeting. Ms. Glimcher noted the 2018 ACHP-Smithsonian Fellow will be starting in September and will be working in the historic U Street corridor.

Jack Bareilles gave an update on the project he has been working on with the Department of Education. Students in his northern California district will be producing a calendar of historic sites and also videos/interviews with experts in the area showcasing historic sites. He has been able to connect with federal agencies through ACHP introductions to line up other projects for his students.

Shayla Shrieves discussed the sample language suggested for program alternatives from the Office of Federal Agency Programs to involve youth in mitigation measures. Jordan Tannenbaum suggested the language would be offered as another example of what consulting parties could do to continue outreach and education for young people in a project area.

Media Outreach

Lynne Richmond gave an update on the social media month statistics for the ACHP’s photo contest and Facebook Live broadcasts. All of the ACHP’s social media channels gained followers during the May contest and resulting stories and cross-promotion. She also summarized a media day event at the Peale Center in Baltimore in July, where the MSU students did their hands-on preservation work. A number of Baltimore media outlets covered the story.

Awards

Patricia Knoll announced that HUD Secretary Ben Carson has officially approved the jury recommendation for the ACHP-HUD Secretary's Award, so the wheels can begin turning to get the winner notified and an award ceremony finalized.

NATIVE AMERICAN AFFAIRS COMMITTEE

Attendees: Committee Chairman Reno Franklin; Committee Vice Chairman Dorothy Lippert; Chairman Wayne Donaldson, Vice Chairman Leonard Forsman; Robert Stanton, Jordan Tannenbaum, ACHP members; Chairman-Nominee Aimee Jorjani; David Clarke, Department of Transportation; Elizabeth Merritt, National Trust for Historic Preservation; Serena Bellew, General Services Administration; Maureen Sullivan, Michelle Volkema, Alicia Sylvester, Department of Defense; Sarah Glass, Jennifer Talken-Spaulding, Madeline Konz, Jamie Lee Marks, David Tarler, Laurie Jennings, National Park Service; John Fowler, Valerie Hauser, William Dancing Feather, Ira Matt, Guy Lopez; Emily Choi, Christine Miterko, Matthew Neel, Julia Wareham, ACHP staff

Improving Federal Interaction with Native Hawaiian Organizations

Committee Chairman Reno Franklin reminded the committee members that Kawika Riley and Kai Markel of the Office of Hawaiian Affairs (OHA) joined the committee meeting in March and shared a bit of Native Hawaiian history and the current preservation issues:

- The need for training so Native Hawaiian organizations (NHOs) can more effectively participate in Section 106 consultation
- Federal understanding of NHOs, their membership and structure, and who speaks for them
- Lack of understanding about the importance of place to Native Hawaiians

During the discussion, the committee made commitments to OHA to address some of the concerns:

- Develop and deliver online training for Native Hawaiians as well as in-person training
- Review existing guidance and fill in any gaps
- Review existing ACHP policy and consider issuing a new policy statement

Valerie Hauser provided a report on staff work in response to the committee's direction:

- Staff developed a plan for accomplishing commitments to begin in FY 2019 which was reviewed and approved by OHA staff.
- In this fiscal year, staff will develop an outline for an online-on demand course. OHA offered to pay for ACHP staff travel for in-person training. The Office of Native American Affairs (ONAA) also set up a working group to include both ONAA and Office of Federal Agency Programs (OFAP) staff.
- Staff reviewed the existing ACHP policy regarding its interactions with NHOs and recommended that the ACHP should return attention to more robust implementation of the policy commitments rather than adopting a new one.

Committee Chairman Franklin opened a discussion about the recommendation to implement the existing policy rather than develop a new one. The committee members agreed and offered a number of suggestions:

- Whenever possible, offer in-person training to build, maintain, and elevate relationships between the ACHP and NHOs

- Compare the commitments in the Sacred Sites MOU to those in the ACHP's NHO policy and ensure that the sacred sites commitments are included
- Go to the individual islands rather than just Oahu
- Include other federal agencies that have good working relationships with local NHOs
- Include Native Hawaiian health organizations

Mr. Fowler asked how the ACHP could accomplish the goals with its limited resources, especially regarding staff travel to Hawaii. David Clarke responded that the Federal Highway Administration (FHWA) headquarters is conducting a gap analysis regarding Section 106 compliance in Hawaii. Training will likely be part of the resolution, and FHWA is likely to invite the ACHP to participate. Chairman Donaldson also suggested investigating future partnerships with the NPS.

Staff will include the recommendations in the work plan and will continue to update the committee on its progress.

Native Youth Program

ONAA staff shared new developments in the Native Youth Program which was created in 2015, in response to the White House initiative, Generation Indigenous (Gen I). To date, staff has established a Facebook page; issued information papers for youth and adults who work with them; offered workshops at youth conferences; and, established an interagency working group. No funding, other than a small amount of travel funding, has been allocated to this program. To accomplish much of its outreach, ONAA staff relied heavily on federal partners who were also involved in Gen I. However, since the Gen I initiative no longer exists in the federal government, there is no distribution system and limited ability to partner with other federal agencies. Therefore, the staff proposed shifting the program focus to the partnership it has been building with Salish Kootenai College (SKC) located in Montana.

Staff provided background information about SKC and its Tribal Historic Preservation Program (THPP), which offers both two- and four-year degrees. While ONAA staff has provided occasional remote lectures since 2016 in a few of the classes, Ira Matt has been working with the faculty program director since joining ONAA in January 2018. Additionally, Mr. Fowler recently sent a letter to SKC's president with a proposal for a more formal partnership. In recent calls and meetings with SKC leadership, they have expressed their enthusiasm for entering into this partnership. In addition to offering remote video teleconference lectures and support to individual students, SKC is interested in more active ACHP participation. THPP faculty were pleased that Mr. Matt was able to offer in-person class lectures in the spring while at SKC to negotiate with them about the partnership and would like to make ACHP in-person participation a permanent element of the partnership.

Staff also proposes co-hosting a summit with SKC in FY 2019 that would bring together students with tribal, federal, and state agency officials to present historic preservation projects and share information about collaboration and successful outcomes of historic preservation challenges. The summit would give SKC students the opportunity to observe and participate in agency-tribal consultations and would provide agency officials the opportunity to interact with future THPOs and tribal leaders. SKC leadership fully supports the proposal and may open it to faculty and the entire student body.

Committee members agreed that staff should shift the Native Youth Program's focus to the partnership with SKC. Then the discussion shifted to potential sources of financial support for the ACHP's active participation in the partnership, including staff travel to offer in-person lectures and participate in other program activities. Mr. Tannenbaum pointed out that the NHPA at Section 303903 requires the Department of the Interior to support Historic Black Colleges and Universities and Tribal Colleges and

Universities. He also suggested that the ACHP Foundation might be a source of funding to support the ACHP. Committee members and staff discussed the desirability of bringing a small group of SKC students to Washington, D.C. to interact with the ACHP, NPS, and other preservation partners rather than a single student for an internship. There is also a possibility of creating a program for SKC students similar to the Touching History program offered this year to a select group of students at Morgan State University in Baltimore.

Dorothy Lippert recalled that, in the Communications, Education, and Outreach (CEO) Committee meeting the previous day, the Morgan State students suggested that an important next step for them is to connect with mentors so they can communicate with professionals. Therefore, an important element of the SKC partnership is to offer students the opportunity to work with a mentor, and the Native Youth in Preservation Working Group has a mentor network.

Jennifer Talken-Spaulding suggested that an additional opportunity to work with Native students is the NPS annual Tribal Youth Congress in Shepherdstown, West Virginia.

ONAA staff will keep the committee members informed about the progress of the SKC partnership and the development of the proposed summit.

Staff Updates

ONAA staff provided updates on the following:

- Early coordination training and guidance: Staff is continuing to work on development of the online training course, as well as guidance, and expects to release both by the end of the calendar year.
- Tribal Directory Assistance Tool (TDAT): OCEO and ONAA staff distributed the information paper about TDAT widely to the ACHP preservation partners, organizations such as the U.S. Conference of Mayors, industry trade associations, and the press.
- The NATHPO annual meeting will be hosted by the Suquamish Tribe, September 10-14, and ACHP staff and members will participate.

PRESERVATION INITIATIVES COMMITTEE

Attendees: Committee Chairman Brad White; Robert Stanton, Jordan Tannenbaum, ACHP members; Ben Horter, Department of Agriculture; Michelle Volkema, Department of Defense; Nancy Boone, Department of Housing and Urban Development; Ranel Capron, Kristen Martine, Bureau of Land Management; Joy Beasley, National Park Service; Hector Abreu, Department of Veterans Affairs; Claire Hosker, General Services Administration; Shasta Gaughen, NATHPO; Erik Hein, Ted Monoson, NCSHPO; Janelle DiLuccia, Adam Jones, Betsy Merritt, National Trust for Historic Preservation; William LeRoy, Environmental Protection Agency; Katherine Slick, ACHP Foundation; John Fowler, Dru Null, Judy Rodenstein, Kristen Bastis, Jaime Loichinger, Guy Lopez, Angela McArdle, Christine Miterko, Matthew Neel, Julia Wareham, and Chris Wilson, ACHP staff

Committee Chairman Brad White opened the meeting by updating the members on the status of Aimee Jorjani's confirmation as the new chairman of the ACHP. Her nomination remains pending in the Senate, which has begun consideration of a backlog of nominations. It is anticipated that the planned October ACHP meeting will go forward as planned.

National Park Service Deferred Maintenance Legislation

Dru Null summarized the briefing material on the topic and updated the group on recent developments. Bipartisan support in Congress has coalesced around the approach embodied in the Senate's Restore Our Parks Act. The bill would create a dedicated deferred maintenance fund from energy development revenues due to the federal government (and not otherwise already allocated). Maximum funding would be \$6.5 billion over five years.

On July 25, the House introduced a similar bill, the Restore Our Parks and Public Lands Act. It is identical to the Senate bill except that it would provide 80 percent of the funding to the NPS, 10 percent to the Fish and Wildlife Service, 5 percent to the Bureau of Land Management (BLM), and 5 percent to Bureau of Indian Education schools. Ms. Beasley confirmed that the Administration supports the bills. The National Trust representatives noted the Trust's strong support for the proposed bipartisan bills.

Mr. Tannenbaum moved that the committee recommend that the full membership adopt the motion in the meeting materials supporting the Restore Our Parks Act, with an amendment that the motion also reference the Restore Our Parks and Public Lands Act. Mr. Stanton seconded the motion. The motion passed unanimously.

Golden Spike 150th Anniversary Act

Ms. Null summarized the briefing material on the Golden Spike 150th Anniversary Act, which has been passed by the House. The bill would re-designate the existing Golden Spike National Historical Site as a National Historical Park and would create the Transcontinental Railroad Network. NPS would promote and provide technical assistance to the Network, which would include federal, state, local, and privately owned properties connected to the Transcontinental Railroad and related educational, research, or interpretive programs. The parameters of the proposed Network are modeled closely on the U.S. Civil Rights Network, which was created in January. Suggestive that this may be the beginning of a new trend, creation of a Reconstruction Era National Historic Network is included in the proposed Reconstruction Era National Historical Park Act.

Ms. Beasley explained that NPS generally supports the bill but has raised specific concerns, including that there has not been a study to define the significance of Transcontinental Railroad sites. The House has amended its version of the bill to require such a study. The original version of the bill also established a park-specific process for entering into agreements with adjacent landowners regarding activities they wish to undertake at "historical crossings" of the historic rail right-of-way in the park. The revised House bill instead calls for developing a Programmatic Agreement under Section 106. Ms. Beasley said NPS remains concerned regarding the level of resources that would be necessary to operationalize a Transcontinental Railroad Network and the other existing and proposed historic site networks.

Mr. Fowler noted that the ACHP staff would like to work with congressional staff and NPS to ensure that the bill's provisions regarding review of adjacent property owner actions are fully in sync with the Section 106 regulations and NPS procedures. Erik Hein noted NCSHPO's interest in ensuring engagement with the Utah State Historic Preservation Officer.

Mr. Tannenbaum moved that the committee recommend that the full membership adopt the motion in the meeting materials supporting the Golden Spike 150th Anniversary Act. Mr. Stanton seconded the motion. The motion passed with no nay votes and NPS abstaining.

Budget and Appropriations

Ms. Null updated the group on recent developments in the FY 2019 appropriations process. The House

bill passed on July 19 included several amendments which would increase the Historic Preservation Fund (HPF) to \$101.41 million. The Senate passed its version of the Interior appropriations bill on August 1. Adam Jones and Ted Monoson reported that the Senate bill would provide \$91.91 for the HPF. A proposed amendment to bring the funding up to this year's level (\$96.91) was not included in the bill.

Infrastructure Legislation

Ms. Null reported that the ACHP is monitoring several bills that would allow states to assume federal agency responsibilities under Section 106 or would lead to categories of federal actions not being deemed undertakings subject to Section 106 review. One such bill (S. 2588), introduced by Sen. John Cornyn, would allow state assumption of Section 106 review of transportation projects when the state has assumed National Environmental Policy Act responsibilities. While providing for the ACHP to assist states in capacity building, the bill does not give the ACHP a role in the process of authorizing or monitoring state assumption. Betsy Merritt stressed the National Trust's interest in this legislation, and Mr. Tannenbaum questioned how Section 4(f) review would be affected by the bill.

Historic Preservation Tax Credits

Mr. Jones noted the National Trust's ongoing support for the Historic Tax Credit Enhancement Act, which would tweak the existing Historic Tax Credit to enhance its bottom-line value to developers. Any tax legislation that might emerge during the lame duck session of Congress could provide a potential vehicle for advancing the proposed bill.

Route 66 National Historic Trail Designation Act

Committee Chairman White acknowledged the work of the National Trust in promoting this bill, which would help to preserve the first all-paved highway from the Midwest to California and promote revitalization of communities along the road.

Chaco Cultural Heritage Protection Act

Ms. Null mentioned there is strong support in the preservation community for this bill, which would prevent energy leasing or development on federal land around Chaco Culture National Historical Park. The National Trust and the Coalition for American Heritage are among 45 organizations that signed a letter to Congress in support of the bill. Ms. Beasley confirmed that the Department of the Interior (DOI) has not yet taken a position on the bill.

Explore America Act

Mr. Tannenbaum asked for clarification on how technical assistance would be provided under this bill—which would authorize technical assistance under the Preserve America program—given that the Preserve America program is moribund. Ms. Null explained that designation of new Preserve America Communities does not need to be underway for previously designated Communities and other eligible applicants to apply for technical assistance. Mr. Fowler noted that the bill would make technical assistance a proactive program rather than a reactive response.

National Monuments

Ms. Merritt updated the group on the status of litigation regarding the reduction of Bears Ears National Monument. The parties are waiting on a judge's ruling on the government's request to move the venue of the case from Washington, D.C., to Utah.

Intern Program

Judy Rodenstein reported that the summer interns soon would be ending their time with the ACHP. She invited each of the interns present—Christine Miterko, Matthew Neel, Julia Wareham—to briefly discuss their work at the ACHP. She also reported that a candidate has been selected for the second ACHP-Smithsonian Fellowship this fall, supported by the ACHP Foundation. The focus will be on the intersection of African American and Latino culture in Washington, D.C., and the role of historic districts and neighborhoods in identity formation. The ACHP will be jointly hosting and supervising the fellow with the Anacostia Community Museum, whose collections are relevant to the fellow’s research interests. The ACHP Foundation also will be supporting a fall semester intern, who will work on enhancements to the ACHP’s training program, as well as on translating key material into Spanish.

FEDERAL AGENCY PROGRAMS COMMITTEE

Attendees: Committee Chairman Jordan Tannenbaum; Chairman Wayne Donaldson, Vice Chairman Leonard Forsman; Robert Stanton, Stephen Ayers, Dorothy Lippert, ACHP members; Chairman-Nominee Aimee Jorjani; Shasta Gaughen, NATHPO; Adam Jones, Betsy Merritt, NTHP, Maureen Sullivan, Alicia Sylvester, Michelle Volkema, Department of Defense; Edward Boling, CEQ; Colleen Vaughn, David Clarke, Chris Hess, Juan Reyes, Sharyn LaCombe, Department of Transportation; Alice Koethe, Association of American Railroads; Erika Martin Seibert, Basia Howard, Alexandra Anderson, Department of Agriculture; Doug Pulak, Hector Abreu, Department of Veterans Affairs; Beth Savage, Serena Bellew, GSA; Kristen Martine, Ranel Capron, BLM; Erik Hein, NCSHPO; Nancy Boone, HUD; Caroline Henry, Department of the Interior; Joy Beasley, Jeffrey Durbin, National Park Service; Jill Springer, Federal Communications Commission; Jeff Winstel, WMATA, William LeRoy, Environmental Protection Agency; Lee A. Webb, NCPC; John Fowler, Reid Nelson, Charlene Vaughn, Jaime Loichinger, Tom McCulloch, Valerie Hauser, Kristen Bastis, Kelly Fanizzo, Ira Matt, Blythe Semmer, Sarah Stokely, Kirsten Kulis, Christopher Daniel, Christopher Wilson, Emily Choi, Christine Miterko, Matthew Neel, Julia Wareham, ACHP staff

ACHP Staffing Updates

Committee Chairman Jordan Tannenbaum asked Reid Nelson to provide the ACHP staff updates. Mr. Nelson reported that the application period for the BLM Liaison position closes on August 9. He also announced the position of FHWA Liaison has been accepted, and the new staff member will start in early September. A new FEMA Liaison to the ACHP will begin work in the near future. Mr. Nelson announced the retirement of Charlene Vaughn from the ACHP would occur on August 3rd. Many members and attendees expressed their appreciation for her contributions to preservation and hard work over the last 39 years and wished her well. Jaime Loichinger will act as assistant director following Ms. Vaughn’s retirement.

Executive Order 13287 “Preserve America” Section 3 Report: Action Plan and Implementation

Committee Chairman Tannenbaum noted this topic was discussed in the May meeting and the members made some broad suggestions. In response, the staff developed a work plan included in meeting materials. Maureen Sullivan commented that it is important to have a plan and then to follow it. Committee Chairman Tannenbaum asked Tom McCulloch to provide an update on the Action Plan and implementation. Dr. McCulloch provided an overview of three themes:

- Speedy delivery of infrastructure by better publicizing efficiencies gained in use of Program Alternatives; proactive and early consultation with Indian tribes and NHOs; developing and

implementing electronic historic property inventories.

- Encourage reuse of historic facilities by federal agencies by: Illustrating cost effectiveness and work with historic building-owning and managing agencies to develop policies to improve preservation outcomes in “reduce the footprint” initiatives.
- Encourage wider use of local-state-tribal partnerships to assist agencies in achieving their historic preservation goals and telling their stories.

Ms. Sullivan mentioned the importance of all themes but emphasized infrastructure as the priority. Beth Savage recommended broadening the first theme to include the speedy delivery of all federal projects while not cutting corners. Caroline Henry said the themes were appropriate and in the appropriate order. Ms. Sullivan recommended prioritizing the large number of action items under each theme.

Dr. McCulloch asked if agencies could make better use of program alternatives. Ms. Sullivan suggested these thematic discussions include the FPOs. Mr. Nelson added that the ACHP will be proactive and will ask the FPOs about the themes and also about the perceived need for a national inventory.

Ms. Sullivan said it would be important to define what is meant by “national inventory” and what it would accomplish, especially given security and confidentiality issues that would have to be taken into account regarding its contents. Mr. Hein said that the various agencies interested or involved in the matter of a national inventory had not found an appropriate convener for a discussion about how the goal could be accomplished. He suggested the ACHP could provide the appropriate place for the discussion. Ms. Merritt questioned if the ACHP had the capacity to carry out all of the implementation items listed in the report. Mr. Nelson welcomed recommendations for prioritizing these issues and/or about asking specific agencies to assist in implementation of the plan.

Discussion followed about whether a national inventory would speed delivery of projects. Except for tribal confidentiality concerns, there was general agreement that greater standardization or interoperability of historic properties databases would help deliver projects by decreasing duplication of survey work, cutting down on the time needed to create cultural resource documents in general, and by providing national consistency. Doug Pulak asked if more detailed guidance about program alternatives could be created, such as a step-by-step guide. Shasta Gaughen noted that a database of sites of significance to Indian tribes is a non-starter. She recommended agencies deal directly with tribes as outlined in 36 CFR Part 800, and that a more useful tool would be one that identified tribes with associations within a particular area.

Dr. McCulloch asked what the committee members thought about convening an interagency work group for various issues. Mr. Nelson reiterated the need for many agencies to participate on several of the items in the second theme. Ms. Savage noted the details of each of the themes should be prioritized in work groups to afford more time to work out details. Ms. Henry noted the FAP Committee is not the group to whom the message of the Section 3 recommendations needs to be communicated. There was general agreement that the report should be discussed with an audience beyond preservation professionals.

On the third theme, Dr. McCulloch observed that volunteers are used effectively in some agencies but not in others. Mr. Stanton mentioned that volunteer efforts were supported by Congress when compensation for non-NPS employees was authorized in legislation. Mr. Fowler observed that partnerships are not limited to volunteers and may also include private entities as well as other units of government. Different agencies will have different abilities to enter into partnerships. He said co-management of resources and partnerships are now being discussed throughout the federal government.

Infrastructure and Section 106

Blythe Semmer updated the committee on several initiatives.

One Federal Decision (OFD) MOU implementation is moving forward. Over the summer, signatory agencies submitted OFD implementation plans. The ACHP's OFD implementation plan included the recent publication of guidance about lead federal agencies in Section 106 review, which offered an opportunity to include information about how OFD lead agency coordination could align with the designation of a lead agency for Section 106 purposes.

Ms. Semmer also updated the committee on the ACHP's participation in the **Federal Permitting Improvement Steering Council** (Permitting Council). At the ACHP's urging, establishment of a federal government-wide tribal contact system to identify federally recognized Indian tribes with an interest in consulting about projects in a given geographic area was included as a best practice in the Permitting Council's report on *Recommended Best Practices for Environmental Reviews and Authorizations for Infrastructure Projects for Fiscal Year 2018*. Staff from the ACHP and HUD, which is also a Permitting Council member, are collaborating in developing information about how HUD's Tribal Directory Assistance Tool, an established online database that addresses this need, might serve as a government-wide resource. This concept will be discussed with the Permitting Council's working group in mid-August.

The **Infrastructure Projects and Section 106 Reviews Working Group** convened in December 2017 and finalized a plan of action this spring. Some objectives, such as the publication of guidance on lead federal agencies in Section 106 review, have been accomplished while others are underway. The ACHP recently responded to a FERC-issued Notice of Inquiry about interstate natural gas pipeline certification procedures to highlight recommendations that came out of the working group's discussion. The ACHP's comments focused on ideas for improving consulting party involvement and pre-application coordination with Indian tribes in pipeline undertakings. The ACHP also suggested FERC could address certain operations and maintenance issues as part of new pipeline certification procedures to reduce the need for subsequent consultation processes about the same pipeline.

The meeting materials identified three questions for the committee. Ms. Semmer asked for feedback on the following:

- What concerns do committee members have about how OFD implementation or other infrastructure-related programs and policies will impact historic preservation programs? Have any agencies taken specific steps to address Section 106 review coordination with OFD?

Ms. Merritt noted that inconsistencies with the Army Corps of Engineers' Appendix C were included in the infrastructure working group's plan of action, but that a larger problem exists with how the Corps often waits until after other environmental reviews have been concluded to conduct their own, thereby creating duplication. Sometimes the Corps review seems to occur after the fact, creates dysfunction, and affects state-level decisions. She wondered if these sorts of issues are also being discussed. Mr. Nelson confirmed that such issues were indeed part of the larger conversation about implementing FAST-41 and OFD. Ted Boling noted the relevance of scope and scale of Corps involvement in such matters, and he said the Corps will host the next meeting of the EO 13807 working group, which focuses on OFD, and of which the ACHP is a member.

- What sort of information would be most useful to committee members' constituencies, and what would be the best outlets for sharing advice and technical assistance about working with Section 106 and major infrastructure projects?

Mr. Clarke mentioned the need for earlier coordination with other agencies to expedite the process, and

that FHWA was working to move issues up to headquarters level earlier. Mr. Boling mentioned that sharing information, such as through databases, could avoid the need for elevation.

- Federal agency committee members are encouraged to share reactions to TDAT from their field and program management personnel. Were they familiar with TDAT before the ACHP sent out information about the database? Has the database been helpful in developing their Section 106 tribal consultation efforts?

Ms. Gaughen said the tribes she works with had not heard of TDAT, and she noted some of the information was not current. There may be a need to reach out to tribes to update information. Nancy Boone said updates are currently provided by users, but plans are underway to load updates automatically on a regular basis from relevant datasets and not simply on an ad-hoc basis. She noted the complexities of tribal preferences in terms of consulting with other tribes but confirmed that HUD does not edit or alter information provided by tribes about their areas of consultation interest. Ms. Merritt said the National Trust is in support of TDAT and praised its transparency. Michelle Volkema mentioned DoD had shared information on TDAT with their services. Vice Chairman Forsman commented that he had some concerns about the use of TDAT and reminded the committee that no single tool is sufficient to identify all tribes who may have an interest in consulting. Agencies should still research tribal associations as they determine which tribes to consult.

Update on Major Activities

Program Comment to Exempt Effects to Rail Properties within Rail Rights-of-Way

Ms. Vaughn reported that the Department of Transportation (DOT) submitted to the ACHP the final draft Program Comment on June 25. The ACHP was able to review and revise the document and prepare it for an unassembled member vote during the week of August 6. There have been multiple meetings with the rail industry and preservation stakeholders about the structure of the Program Comment.

Kelly Fanizzo provided information about the finalization of the Program Comment. Ms. Fanizzo said the ACHP received five comments from FAP Committee members prior to this meeting. In response, the definition of rail rights-of-way was addressed, the distinction between freight rail and passenger rail was made, and reporting requirements were modified. Ms. Vaughn noted there is a guidance requirement as part of the program alternative with a nine-month time frame for delivery. In addition, a reporting requirement would document the use of the Program Comment. Colleen Vaughn acknowledged the concerns of industry that any reporting would be burdensome but suggested a compromise in new language that would require only the federal agency to collect information on the use of the program comment. Juan Reyes mentioned FRA wants to see a modern railway industry, and this Program Comment hopefully will provide necessary efficiencies to improve rail infrastructure.

Alice Koethe said the language with the reporting requirement was adding additional work to the process and wanted the industry to be relieved of a burdensome Section 106 review process through the Program Comment. Jeff Durbin said he would be happy to share reporting tools with the DOT that are used to implement the NPS Nationwide Programmatic Agreement. The NPS has had many years of experience in producing these reports, and they are not burdensome with the use of spreadsheets and a standardized approach. Ms. Vaughn reported the Senate Committees had suggested adjusting the reporting requirements language since it was not consistent with the language in the FHWA Exemption, which serves as the model for this program alternative.

Department of Veterans Affairs Program Alternative on Vacant and Underutilized Facilities

The VA continues to refine a proposed Program Comment to address vacant and underutilized properties. Consultation with internal and external stakeholders and the public via a *Federal Register* notice that

invited comments through May 18 informed the Program Comment. A second draft was submitted to the ACHP to review on June 6. The ACHP has provided feedback to the VA on the second draft suggesting additional provisions to incentivize re-use over demolition and clarification of the mechanisms for public notification for the list of properties that will be subject to the Program Comment. Mr. Pulak presented a slide show outlining the need for and uses of a Program Comment for the VA inventory.

Rural Utilities Service Nationwide Programmatic Agreement

Mr. Nelson updated the committee on this program alternative. On July 3, the ACHP executed a Nationwide Programmatic Agreement (nPA) submitted by the USDA Rural Utilities Service (RUS) for the Sequencing of Section 106 for Rural Development Programs. The purpose of the nPA is to allow Rural Development (RD) to obligate funds appropriated for housing, sewer, water, electric, and broadband projects in rural and tribal communities. Erika Seibert mentioned the Program Comment is in place and RUS has already utilized it with 50 projects. She thanked all attending the meeting for their assistance in developing this Program Comment.

General Services Administration Program Comment on Repairs and Upgrades

Mr. Nelson provided an update on this program alternative. The existing Program Comment went into effect on August 7, 2009. Activities carried out under this Program Comment are limited to a finite scope of repairs and upgrades, and they must not occur in conjunction with other activities. The repairs and upgrades include window repairs, HVAC, lighting, and roofing upgrades that do not adversely affect the qualities that qualify a subject historic building for the National Register of Historic Places. All activities are undertaken in accordance with GSA's Technical Preservation Guidelines (<https://www.gsa.gov/node/80914>) Kirsten Kulis updated the committee on the progress toward amending the Program Comment. The ACHP hosted a conference call with NCSHPO and NPS Technical Preservation Services in May and requested comments from members by July 11. Given that the ACHP did not receive extensive comments due to the limited nature of the Program Comment and the straightforwardness of the proposed amendment, the ACHP made minor updates to the document and provided it to the members for their consideration via unassembled vote on July 13. The amendment was approved.

Federal Communications Commission Program Comment for Twilight Towers and Report on Accelerating Wireless Broadband Deployment

Mr. Nelson also gave an update on the Twilight Towers Program Comment discussion. FCC issued a public notice on December 14, 2017, informing the public of its intent to request from the ACHP a Program Comment on Twilight Towers to allow applicants to use these structures for collocation of antennae in the deployment of 5G communications technology. While the ACHP staff has offered its general views to the FCC on this matter, and the FAP Committee provided comments, FCC has not yet submitted a formal request to the ACHP for a Program Comment. The ACHP has encouraged the FCC to consult further with other stakeholders to develop a schedule to advance this effort.

FCC has produced a Q&A on its Second Report and Order concluding that the Commission's licensing of small cells does not constitute an undertaking under the NHPA or a major federal action under NEPA. The Q&A will be distributed to preservation stakeholders. The ACHP staff has advised FCC that additional Q&As may be needed to address outstanding issues about how this order will be operationalized. In response to lawsuits regarding the FCC's rule exempting environmental and historic reviews for small cell facilities, the FCC has requested a hold on court challenges while it administratively reconsiders these decisions. The ACHP will monitor developments on this matter.